

TABLE 70-2—EXCESSIVE CONCENTRATION VALUES (ECV) BASED ON THE AVERAGE OF 5 OR 15 FULL-SHIFT CMDPSU/CPDM CONCENTRATION MEASUREMENTS—Continued

Applicable standard (mg/m <sup>3</sup> )	ECV (mg/m <sup>3</sup> ) based on 5-sample average		ECV (mg/m <sup>3</sup> ) based on 15-sample average	
	CMDPSU	CPDM	CMDPSU	CPDM
1.1 .....	1.22	1.17	1.17	1.14
1.0 .....	1.12	1.06	1.07	1.04
0.9 .....	1.02	0.96	0.97	0.94
0.8 .....	0.92	0.85	0.87	0.83
0.7 .....	0.81	0.75	0.77	0.73
0.6 .....	0.71	0.64	0.67	0.63
0.5 .....	0.61	0.53	0.57	0.52
0.4 .....	0.51	0.43	0.47	0.42
0.3 .....	0.41	0.32	0.37	0.32
0.2 .....	0.31	0.22	0.27	0.21

**Subpart D—Respiratory Equipment**

AUTHORITY: Title II, secs. 303(b), and 508, Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801); secs. 301(a) and 302(a), Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 30 U.S.C. 961 and 951 and 29 U.S.C. 577a, 91 Stat. 1317 and 91 Stat. 1319; sec. 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 30 U.S.C. 957, 83 Stat. 803.

SOURCE: 35 FR 5544, Apr. 3, 1970, unless otherwise noted.

EFFECTIVE DATE NOTE: At 79 FR 24980, May 1, 2014, subpart D was removed and reserved, effective Aug. 1, 2014.

**§ 70.300 Respiratory equipment; respirable dust.**

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this part. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this part.

[60 FR 30401, June 8, 1995]

**§ 70.305 Respiratory equipment; gas, dusts, fumes, or mists.**

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be provided to persons exposed for short

periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

[60 FR 30401, June 8, 1995]

**Subpart E—Dust From Drilling Rock [Reserved]****Subparts F–S [Reserved]****Subpart T—Diesel Exhaust Gas Monitoring****§ 70.1900 Exhaust Gas Monitoring.**

(a) During on-shift examinations required by § 75.362, a certified person as defined by § 75.100 of this chapter and designated by the operator as trained or experienced in the appropriate sampling procedures, shall determine the concentration of carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>):

(1) In the return of each working section where diesel equipment is used, at a location which represents the contribution of all diesel equipment on such section;

(2) In the area of the section loading point if diesel haulage equipment is operated on the working section;

(3) At a point in by the last piece of diesel equipment on the longwall or shortwall face when mining equipment is being installed or removed; and

(4) In any other area designated by the district manager as specified in the mine operator's approved ventilation plan where diesel equipment is operated in a manner which can result in

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significant concentrations of diesel exhaust.

(b) Samples of CO and NO<sub>2</sub> shall be—

(1) Collected in a manner that makes the results available immediately to the person collecting the samples;

(2) Collected and analyzed by appropriate instrumentation which has been maintained and calibrated in accordance with the manufacturer's recommendations; and

(3) Collected during periods that are representative of conditions during normal operations.

(c) Except as provided in § 75.325(j) of this chapter, when sampling results indicate a concentration of CO and/or NO<sub>2</sub> exceeding an action level of 50 percent of the threshold limit values (TLV®) adopted by the American Conference of Governmental Industrial Hygienists, the mine operator shall immediately take appropriate corrective action to reduce the concentrations of CO and/or NO<sub>2</sub> to below the applicable action level. The publication, "Threshold Limit Values for Substance in Workroom Air" (1972) is incorporated by reference and may be inspected at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2352, Arlington, Virginia 22209–3939; at any MSHA Coal Mine Safety and Health district office; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, copies of the document may be purchased from American Conference of Governmental Industrial Hygienists, 330 Kemper Meadow Drive, Attn: Customer Service, Cincinnati, OH 45240; <http://www.acgih.org>.

(d) A record shall be made when sampling results exceed the action level for the applicable TLV® for CO and/or NO<sub>2</sub>. The record shall be made as part of and in the same manner as the records for hazards required by § 75.363 of this chapter and include the following:

(1) Location where each sample was collected;

(2) Substance sampled and the measured concentration; and

(3) Corrective action taken to reduce the concentration of CO and/or NO<sub>2</sub> to or below the applicable action level.

(e) As of November 25, 1997 exhaust gas monitoring shall be conducted in accordance with the requirements of this section.

[61 FR 55526, Oct. 25, 1996, as amended at 67 FR 38385, June 4, 2002; 71 FR 16667, Apr. 3, 2006]

**PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

**Subpart A—General**

Sec.

71.1 Scope.

71.2 Definitions.

**Subpart B—Dust Standards**

71.100 Respirable dust standard.

71.101 Respirable dust standard when quartz is present.

**Subpart C—Sampling Procedures**

71.201 Sampling; general requirements.

71.202 Certified person; sampling.

71.203 Certified person; maintenance and calibration.

71.204 Approved sampling devices; maintenance and calibration.

71.205 Approved sampling devices; operation; air flowrate.

71.206 Approved sampling devices; equivalent concentrations.

71.207 [Reserved]

71.208 Bimonthly sampling; designated work positions.

71.209 Respirable dust samples; transmission by operator.

71.210 Respirable dust samples; report to operator; posting.

71.220 Status change reports.

**Subpart D—Respirable Dust Control Plans**

71.300 Respirable dust control plan; filing requirements.